

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
FULGENCIO RODRIGUEZ,**

Petitioner,

**9:18-cv-928
(GLS/ML)**

v.

**NEW YORK STATE
DEPARTMENT OF PAROLE AND
COMMUNITY SUPERVISION**

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

FULGENCIO RODRIGUEZ

Pro Se

425 West 205th Street

Apartment 6K

New York, NY 10034

FOR THE RESPONDENT:

HON. LETITIA JAMES

New York State Attorney General

28 Liberty Street

New York, NY 10005

PRISCILLA I. STEWARD

Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following an Order and Report-Recommendation (R&R) by Magistrate Judge Miroslav Lovric, duly filed July 30, 2021. (Dkt. No. 15.) Following fourteen days from the

service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Order and Report-Recommendation (Dkt. No. 15) is **ADOPTED** in its entirety; and it is further

ORDERED that the petitioner's petition for a writ of habeas corpus (Dkt. No. 1) is **DENIED and DISMISSED**; and it is further

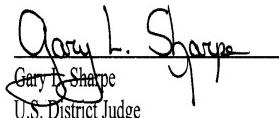
ORDERED that, because the Court finds the petitioner has not made a "substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. §2253(c)(2), no certificate of appealability shall issue; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

August 31, 2021
Albany, New York


Gary L. Sharpe
U.S. District Judge